



TERMINATION OF EMPLOYMENT

The term “wrongful discharge” is used quite often to describe what an employee believes to be an unexpected, unfair or unjust termination of employment. Unless the discharge is based on any of the activities listed below (also known as a “protected activity”), the employee’s remedy is to file a lawsuit in civil court.

Within the State of California, employment may be terminated at the will of either party. Both the employer and the employee are free to end the employment at any time, with no penalty being assessed to either. Unless the parties have previously agreed to the contrary, there is no notice required to be given by either party.

Employment covered by a collective bargaining agreement (union contract) is subject to the terms and conditions of the particular agreement. The Division of Labor Standards Enforcement does not have jurisdiction over such employment, and an employee should contact a representative of their local union when a dispute arises.

When an employee feels they have been harassed or discriminated against based on their race, religion, sex, color, national origin, ancestry, physical handicap, medical conditions, marital status, age (over 40), sexual orientation or denial of family leave, they should contact the Department of Fair Employment and Housing at 1-800-884-1684.

If an employee is being harassed or discriminated against for reasons other than those listed above, they should contact their local law enforcement office if they have been assaulted, threatened with assault, or feel they are in danger. Other forms of harassment generally require the filing of a lawsuit in civil court.

The Division has jurisdiction when an employee is retaliated against for participating in a protected activity. For a list of protected activities which include filing a complaint with this office, jury duty participation and complaining about safety, contact one of the Division’s Public Information Units. (Labor Code § 98.7)